

# Exhibit E

## STATEMENT

I, Jose Hernandez, an associate of Sears, Roebuck and Co., free  
make the following statement to William Sullivan who I know to be  
representative of Sears, Roebuck and Co.

I have been employed at Sears 2 years, since \_\_\_\_\_

a \_\_\_\_\_; my associate number is \_\_\_\_\_

and my Social Security number is \_\_\_\_\_

On this date Oct 17, 2003 requested my cooperation in discussing a situation  
that occurred during my employment with Sears. My statement pertaining to this situation follows:

Punch at 12:00

Started an alignment at 7:00 pm. The alignment  
cost app 1 hr. Eric came at 7:00 - 7:30. 7:30  
Saw him in brake dept. He <sup>was</sup> with John Baer and  
<sup>was</sup> a friend <sup>THIPAVONG</sup> non employee. I saw him throw  
windshield washer fluid, then heard a bang  
and the barrel hit the floor. Jose turned saw  
barrel. Eric then picked up the barrel. Turned  
again saw Eric place oil pack on spill.  
By then the barrel was missing. ~~and~~ when  
Jose finished he was washing his hands.  
He stated to Jose, "You didn't see anything right  
around 8:15 started working oil dept (Roger's <sup>Sweeney</sup> car). Customer  
saw spill, around oil barrels. He <sup>Jose</sup> ~~didn't~~ did not say

I have read this statement, the contents of which are true facts, that have been discussed with \_\_\_\_\_

Jose Hernandez John Baer, William Sullivan and me on this date \_\_\_\_\_

I have made this statement of my own free will. No threats or promises were made to me, as an inducement to give this  
statement.

SIGNED	<u>Jose Hernandez</u>	DATE	<u>10-17-03</u>	TIME	<u>3:59</u>
WITNESS	<u>John Baer</u>	DATE	<u>10-17-03</u>	TIME	<u>3:30</u>
WITNESS	<u>William Sullivan</u>	DATE		TIME	

## STATEMENT

I, \_\_\_\_\_, an associate of Sears, Roebuck and Co., freely  
make the following statement to \_\_\_\_\_ who I know to be a  
representative of Sears, Roebuck and Co.

I have been employed at Sears \_\_\_\_\_, since \_\_\_\_\_, at  
a \_\_\_\_\_; my associate number is \_\_\_\_\_  
and my Social Security number is \_\_\_\_\_.

On this date \_\_\_\_\_ requested my cooperation in discussing a situation  
that occurred during my employment with Sears. My statement pertaining to this situation follows:

anything to his manager Kevin Sullivan.

Written with permission of Jose Hernandez  
to John Reed and William Sullivan

I have read this statement, the contents of which are true facts, that have been discussed with \_\_\_\_\_

Jose Hernandez, John Reed, Bill Sullivan and me on this date \_\_\_\_\_

I have made this statement of my own free will. No threats or promises were made to me, as an inducement to give this statement.

SIGNER	DATE	TIME
<u>Jose Hernandez</u>	<u>10-17-03</u>	<u>3:50</u>
WITNESS	DATE	TIME
<u>William Sullivan</u>	<u>10-17-03</u>	
WITNESS	DATE	TIME